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Draft: May 22, 2020

GROUND WATER QUALITY BUREAU
DISCHARGE PERMIT
Issued under 20.6.2 NMAC

Facility Name:	Cutter Lateral Water Treatment Plant
Discharge Permit Number:	DP-1892
Facility Location:	323 Road 7575 Bloomfield, NM 87413 Section 9, Township 25N, Range 09W
County:	San Juan
Permittee:	US DOI Bureau of Reclamation
Mailing Address:	Pat Page 1235 La Plata Highway Farmington, NM 87401
Facility Contact:	Bureau of Reclamation
Telephone Number/Email:	(505) 324-5027/ ppage@usbr.gov
Permitting Action:	New
Permit Effective Date:	DATE
Permit Expiration Date:	5 years from commencement of discharge, but no longer than 7 years from effective date [20.6.2.3109.H(4) NMAC]
NMED Permit Contact:	Avery Young
Telephone Number/Email:	(505) 827-2909/avery.young@state.nm.us

MICHELLE HUNTER
Chief, Ground Water Quality Bureau
New Mexico Environment Department

Date

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ATTACHMENTS

I. INTRODUCTION

The New Mexico Environment Department (NMED) issues this Discharge Permit (Discharge Permit), DP-1892, to the Bureau of Reclamation (permittee) pursuant to the New Mexico Water Quality Act (WQA), NMSA 1978 §§74-6-1 through 74-6-17, and the New Mexico Water Quality Control Commission (WQCC) Ground and Surface Water Protection Regulations, 20.6.2 NMAC.

NMED's purpose in issuing this Discharge Permit, and in imposing the requirements and conditions specified herein, is to control the discharge of water contaminants from the Cutter Lateral Water Treatment Plant (facility) in order to protect groundwater and those segments of surface water gaining from groundwater inflow for present and potential future use as domestic and agricultural water supply and other uses, and to protect public health. In issuing this Discharge Permit, NMED has determined that the requirements of Subsection C of 20.6.2.3109 NMAC have been met. Pursuant to Section 20.6.2.3104 NMAC, it is the responsibility of the permittee to comply with the terms and conditions of this Discharge Permit; failure to do so may result in enforcement action by NMED (20.6.2.1220 NMAC).

The activities that produce the discharge, the location of the discharge, and the quantity, quality and flow characteristics of the discharge are briefly described as follows.

Up to 372,758 gallons per day (gpd) of backwash, filter-to-waste, and process drain water is discharged to two synthetically lined impoundments (Backwash Ponds 1 and 2) where a portion of the wastewater may be pumped back to the head of the water treatment plant or is disposed of either by evaporation or through Outfall 001 authorized by NPDES Permit NM0031194. Sludge from the lined impoundments is transferred to two synthetically lined drying beds (Solids Drying Beds 1 and 2) and then disposed of off-site.

The discharge contains water contaminants that may be elevated above the standards of Section 20.6.2.3103 NMAC.

The facility is located at 323 County Road 7575, approximately 24 miles southeast of Bloomfield, in Section 9, Township 25N, Range 09W, San Juan County. Groundwater most likely to be affected is at a depth of approximately 28 to 42 feet and has a total dissolved solids concentration of approximately 2,200 milligrams per liter.

The application (i.e., discharge plan) consists of the materials submitted by CH2M HILL Constructors, Inc., on behalf of the permittee, dated March 25, 2019 and materials contained in the administrative record prior to issuance of this Discharge Permit. The permittee shall manage the discharge in accordance with all conditions and requirements of this Discharge Permit.

Pursuant to Section 20.6.2.3109 NMAC, NMED reserves the right to require a Discharge Permit Modification in the event NMED determines that the requirements of 20.6.2 NMAC are being or may be violated or the standards of Section 20.6.2.3103 NMAC are being or may be violated. This may include a determination that structural controls and/or management practices approved under this Discharge Permit are not protective of groundwater quality, and that NMED may require more

stringent requirements to protect groundwater quality. The NMED may require the permittee to implement abatement of water pollution and remediate groundwater quality.

Issuance of this Discharge Permit does not relieve the permittee of the responsibility to comply with the WQA, WQCC Regulations, and any other applicable federal, state and/or local laws and regulations, such as zoning requirements and nuisance ordinances.

The following acronyms and abbreviations may be used in this Discharge Permit.

Abbreviation	Explanation		Abbreviation	Explanation
BOD_5	biochemical oxygen demand (5-day)		NMED	New Mexico Environment Department
CFR	Code of Federal Regulations		NMSA	New Mexico Statutes Annotated
CFU	Colony Forming Unit		NO_3-N	nitrate-nitrogen
Cl	chloride		NTU	nephelometric turbidity units
EPA	United States Environmental Protection Agency		TDS	total dissolved solids
gpd	gallons per day		TKN	total Kjeldahl nitrogen
LAA	land application area		total nitrogen	= TKN + NO_3-N
LADS	land application data sheet(s)		TRC	total residual chlorine
mg/L	milligrams per liter		TSS	total suspended solids
mL	milliliters		WQA	New Mexico Water Quality Act
MPN	Most Probable Number		WQCC	Water Quality Control Commission
NMAC	New Mexico Administrative Code		WWTF	Wastewater Treatment Facility

II. FINDINGS

In issuing this Discharge Permit, NMED finds the following.

1. The permittee is discharging effluent or leachate from the facility so that such effluent or leachate may move directly or indirectly into groundwater within the meaning of Section 20.6.2.3104 NMAC.

2. The permittee is discharging effluent or leachate from the facility so that such effluent or leachate may move into groundwater of the State of New Mexico that has an existing concentration of 10,000 mg/L or less of TDS within the meaning of Subsection A of 20.6.2.3101 NMAC.

3. The discharge from the facility is not subject to any of the exemptions of Section 20.6.2.3105 NMAC.

III. AUTHORIZATION TO DISCHARGE

Pursuant to 20.6.2.3104 NMAC, it is the responsibility of the permittee to ensure that discharges authorized by this Discharge Permit are consistent with the terms and conditions herein.

The permittee is authorized by this Discharge Permit to discharge up to 372,758 gpd of backwash, filter-to-waste, and process drain water to two synthetically lined impoundments where a portion of the wastewater may be pumped back to the head of the water treatment plant or is disposed by evaporation. The permittee is authorized to transfer sludge from the lined impoundments to two synthetically lined drying beds (Solids Drying Beds 1 and 2) and then disposed of off-site.

Under NPDES Permit NM0031194 the permittee is authorized to discharge treated wastewater through Outfall 001.

[20.6.2.3104 NMAC, Subsection D of 20.6.2.3106 NMAC, Subsection C of 20.6.2.3109 NMAC]

IV. CONDITIONS

NMED issues this Discharge Permit for the discharge of water contaminants subject to the following conditions.

A. OPERATIONAL PLAN

#	**Terms and Conditions**
1.	The permittee shall implement the following operational plan to ensure compliance with Title 20, Chapter 6, Parts 2 and 4 NMAC. [Subsection C of 20.6.2.3109 NMAC]
2.	The permittee shall operate in a manner such that standards and requirements of Sections 20.6.2.3101 and 20.6.2.3103 NMAC are not violated. [20.6.2.3101 NMAC, 20.6.2.3103 NMAC, Subsection C of 20.6.2.3109 NMAC]

Operational Actions with Implementation Deadlines

#	**Terms and Conditions**
3.	Prior to discharging from the facility, the permittee shall submit written notification to NMED stating the date the discharge is to commence. [Subsection H of 20.6.2.3109 NMAC]
4.	The permittee shall submit record drawings that bear the seal and signature of a licensed New Mexico professional engineer (pursuant to the New Mexico Engineering and

#	**Terms and Conditions**
	Surveying Practice Act and the rules promulgated under that authority) for the constructed backwash ponds and solids drying beds to NMED within 30 days of completion. [Subsections A and C of 20.6.2.1202 NMAC, Subsection C of 20.6.2.3109 NMAC, NMSA 1978, §§ 61-23-1 through 61-23-32]
5.	Prior to discharging from the facility, the permittee shall install fences around the impoundments and solids drying beds to restrict access by the general public and animals. The fences shall consist of a minimum of six-foot chain link or field fencing and locking gates. Documentation of fence installation shall consist of a narrative statement describing the fencing and date-stamped photographs. The permittee shall submit the documentation to NMED in the next required periodic monitoring report. [Subsections B and C of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.D]
6.	Prior to discharging from the facility, the permittee shall post signs indicating that the wastewater at the facility is not potable. The permittee shall post signs at the facility entrance and other areas where there is potential for public contact with wastewater. All signs shall be printed in English and Spanish. Documentation of sign installation shall consist of a narrative statement describing the number and location of the signs and date-stamped photographs. The permittee shall submit the documentation to NMED in the next required periodic monitoring report. [Subsections B and C of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.D]

Operating Conditions

#	**Terms and Conditions**
7.	The permittee shall maintain the impoundment liners in such a manner as to avoid conditions that could affect the liner or the structural integrity of the impoundments. Such conditions include or may be characterized by the following: • erosion damage; • animal burrows or other damage; • the presence of vegetation including aquatic plants, weeds, woody shrubs or trees growing within five feet of the top inside edge of a sub-grade impoundment, within five feet of the toe of the outside berm of an above-grade impoundment, or within the impoundment itself; • the presence of large debris or large quantities of debris in the impoundment; • evidence of seepage; or

#	**Terms and Conditions**
	• evidence of berm subsidence. The permittee shall routinely control the vegetation growing around the impoundments by mechanical removal in a manner that is protective of the impoundment liner. The permittee shall visually inspect the impoundments and surrounding berms on a monthly basis to ensure proper maintenance. In the event an inspection reveals any evidence of damage that threatens the structural integrity of an impoundment berm or liner, or that may result in an unauthorized discharge, the permittee shall enact the contingency plan set forth in this Discharge Permit. The permittee shall create and maintain a log of all impoundment inspections which describes the findings and repairs, the date of the inspection, and the name of the person responsible for the inspection. The permittee shall make the log available to NMED upon request. [Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]
8.	The permittee shall preserve a minimum of two feet of freeboard between the liquid level in the impoundments and the elevation of the top of the impoundment liner. In the event that the permittee determines that two feet of freeboard cannot be preserved in the impoundment, the permittee shall enact the contingency plan set forth in this Discharge Permit. [Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]
9.	The permittee shall properly manage all solids that accumulate in the synthetically lined impoundment as follows: - In the event that solids accumulation exceeds 50% of the maximum liquid depth (below two feet of freeboard) in the impoundment, the permittee shall remove and dispose of the solids from the impoundment to the composting facility. - Prior to removing any solids from the impoundment, the permittee shall submit a proposal to NMED for approval describing how the removal process will be protective of the synthetic liner. [Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]

B. MONITORING AND REPORTING

#	**Terms and Conditions**
10.	The permittee shall conduct the following monitoring, reporting, and other requirements listed below in accordance with the monitoring requirements of this Discharge Permit.

#	**Terms and Conditions**
	[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]
11.	METHODOLOGY – Unless otherwise specified by this Discharge Permit, or approved in writing by NMED, the permittee shall use sampling and analytical techniques that conform with the references listed in Subsection B of 20.6.2.3107 NMAC. [Subsection B of 20.6.2.3107 NMAC]
12.	Semi-annual monitoring shall be performed during the following periods and reports submitted to NMED as follows: • January 1st through June 30th – **due by August 1st; and** • July 1st through December 31st – **due by February 1st.** [Subsection A of 20.6.2.3107 NMAC]

Ground Water Monitoring Conditions

#	**Terms and Conditions**
13.	The permittee shall perform semi-annual groundwater sampling in the following monitoring wells and analyze the samples for NO_3-N, TDS, Cl, aluminum, iron, manganese, and sulfate. a) MW-1, intended to be located hydrologically upgradient of the facility and located in the southwest corner of the facility. b) MW-2, intended to be located hydrologically downgradient of the solids drying beds and located approximately 60 feet northeast of the solids drying beds. c) MW-3, intended to be located hydrologically downgradient of the backwash ponds and located approximately 60 feet north of the backwash ponds. d) MW-4, intended to be located in an alternate location of MW-3 and hydrologically downgradient of the backwash ponds and located approximately 180 feet east of the backwash ponds. The permittee shall conduct groundwater sample collection, preservation, transport, and analysis according to the following procedure. . a) Measure the depth-to-most-shallow groundwater from the top of the well casing to the nearest hundredth of a foot. b) Purge three well volumes of water from the well prior to sample collection. c) Obtain samples from the well for analysis. d) Properly prepare, preserve and transport samples. e) Analyze samples in accordance with the methods authorized in this Discharge Permit.

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	The permittee shall submit depth-to-most-shallow groundwater measurements, analytical results, including the laboratory QA/QC summary report, and a facility layout map showing the location and number of each well to NMED in the semi-annual monitoring reports. [Subsection A of 20.6.2.3107 NMAC]
14.	The permittee shall develop a groundwater elevation contour map on a semi-annual basis using the top of casing elevation data from the monitoring well survey and semi-annual depth-to-most-shallow groundwater measurements, referenced to mean sea level, obtained from the groundwater monitoring wells required by this Discharge Permit. The groundwater elevation contour map shall depict the groundwater flow direction based on the groundwater elevation contours. The permittee shall estimate groundwater elevations between monitoring well locations using common interpolation methods and shall use a contour interval appropriate to the data, but the interval shall, in no case, be greater than two feet. Groundwater elevation contour maps shall depict the groundwater flow direction, using arrows, based on the orientation of the groundwater elevation contours, and the location and identification of each monitoring well and contaminant source. The permittee shall submit the groundwater elevation contour map to NMED in the semi-annual monitoring reports. [Subsection A of 20.6.2.3107 NMAC]
15.	NMED shall have the option to perform downhole inspections of all monitoring wells identified in this Discharge Permit. NMED shall establish the inspection date and provide at least a 60-day notice to the permittee by certified mail. The permittee shall have any existing dedicated pumps removed at least 48 hours prior to NMED inspection to allow adequate settling time of sediment agitated from pump removal. Should the permittee decide to install pumps in any of the monitoring wells, the permittee shall notify NMED at least 90 days prior to pump installation so that a downhole well inspection(s) can be scheduled prior to pump placement. [Subsections A and D of 20.6.2.3107 NMAC]

Facility Monitoring Conditions

#	**Terms and Conditions**
16.	The permittee shall measure the monthly volume of wastewater discharged to the backwash ponds. The permittee shall obtain readings from two totalizing flow meters located at the discharge line to the solids drying beds and at Outfall 001 on a monthly basis and calculate the monthly and average daily volume discharged to the

#	**Terms and Conditions**
	impoundments. The permittee shall calculate the monthly volume of wastewater to the backwash waste ponds as the sum of wastewater volumes to the solids drying beds and Outfall 001. The permittee shall submit the monthly meter readings and calculated monthly and average daily discharge volumes to NMED in the semi-annual monitoring reports. [Subsection A of 20.6.2.3107 NMAC, Subsections C and H of 20.6.2.3109 NMAC]
17.	All flow meters shall be capable of having their accuracy verified under actual working (field) conditions. A field verification method shall be developed for each flow meter and that method shall be used to check the accuracy of each respective meter. Field calibrations shall be performed upon repair or replacement of a flow measurement device and, at a minimum, once within 90 days of the effective date of this Discharge Permit (**by DATE**) and then every other year thereafter. Each flow meter shall be calibrated to its manufacturer's recommended specifications which shall be no less accurate than within plus or minus 10 percent of actual flow, as measured under field conditions. Field calibrations shall be performed by an individual knowledgeable in flow measurement and in the installation/operation of the particular device in use. A flow meter calibration report shall be prepared for each flow measurement device at the frequency calibration is required. The flow meter calibration report shall include the following information. a) The location and meter identification. b) The method of flow meter field calibration employed. c) The measured accuracy of each flow meter prior to adjustment indicating the positive or negative offset as a percentage of actual flow as determined by an in-field calibration check. d) The measured accuracy of each flow meter following adjustment, if necessary, indicating the positive or negative offset as a percentage of actual flow of the meter. e) Any flow meter repairs made during the previous year or during field calibration. The permittee shall maintain records of flow meter calibration(s) at a location accessible for review by NMED during facility inspections. [Subsection A of 20.6.2.3107 NMAC, Subsections C and H of 20.6.2.3109 NMAC]
18.	The permittee shall visually inspect flow meters on a monthly basis for evidence of malfunction. If a visual inspection indicates a flow meter is not functioning as required by this Discharge Permit, the permittee shall repair or replace the meter within 30 days of discovery. For *repaired* meters, the permittee shall submit a report to NMED with the next monitoring report following the repair that includes a description of the malfunction; a statement verifying the repair; and a flow meter field calibration report completed in accordance with the requirements of this Discharge Permit. For *replacement* meters, the permittee shall submit a report to NMED with the next monitoring report following the

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	replacement that includes a design schematic for the device and a flow meter field calibration report completed in accordance with the requirements of this Discharge Permit. The permittee shall keep a record of these inspections that, at a minimum, identifies any findings, the date of the inspection, and the name of the responsible person performing the inspection. The permittee shall make the records available to NMED upon request. [Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]
19.	The permittee shall collect a composite wastewater sample from representative locations within each of the two backwash ponds on a rotating basis so that each pond is sampled once a year. The composite sample shall consist of a minimum of six equal aliquots collected around the entire perimeter of the backwash pond and thoroughly mixed. The permittee shall request the composite sample be analyzed for: • NO_3-N; • TDS; • Cl; • Aluminum; • Iron; • Manganese; and • Sulfate. The permittee shall properly prepare, preserve, transport and request analyses in accordance with the methods authorized in this Discharge Permit. The permittee shall submit analytical results, including the laboratory QA/QC summary report, to NMED in the semi-annual monitoring reports. [Subsection A of 20.6.2.3107 NMAC, Subsections C and H of 20.6.2.3109 NMAC]
20.	The permittee shall submit all records of solids disposal, including a copy of all Discharge Monitoring Reports (i.e., DMRs) required to be submitted to the EPA pursuant to 40 CFR 503 for the previous calendar year, to NMED annually in the monitoring reports due by August 1st each year. [Subsection A of 20.6.2.3107 NMAC]

C. CONTINGENCY PLAN

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21.	In the event that groundwater monitoring indicates that a groundwater quality standard identified in Section 20.6.2.3103 NMAC is exceeded, the permittee shall collect a confirmatory sample from the monitoring well within 15 days of receipt of the initial sampling results to confirm the initial sampling results.

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	Within 60 days of confirmation of groundwater contamination, the permittee shall submit to NMED a Corrective Action Plan that proposes, at a minimum, source control measures and an implementation schedule. The permittee shall enact the Corrective Action Plan as approved by NMED. Once invoked (whether during the term of this Discharge Permit, or after the term of this Discharge Permit and prior to the completion of the Discharge Permit closure plan requirements), this condition shall apply until the permittee has fulfilled the requirements of this condition and groundwater monitoring confirms for a minimum of eight consecutive quarterly samples that the standards of Section 20.6.2.3103 NMAC are not exceeded. If the groundwater standard continues to be violated 180 days after the confirmation of groundwater contamination, NMED may require the permittee to abate water pollution consistent with the requirements and provisions of Section 20.6.2.4101, Section 20.6.2.4103, Subsections C and E of 20.6.2.4106, Section 20.6.2.4107, Section 20.6.2.4108 and Section 20.6.2.4112 NMAC. [Subsection A of 20.6.2.3107 NMAC, Subsection E of 20.6.2.3109 NMAC]
22.	In the event that information available to NMED indicates that a well is not constructed in a manner consistent with the attachment titled *New Mexico Environment Department Ground Water Quality Bureau Monitoring Well Construction and Abandonment Guidelines,* Revision 1.1, March 2011; contains insufficient water to effectively monitor groundwater quality; or is not completed in a manner that is protective of groundwater quality, the permittee shall install a replacement well(s) within 120 days following notification from NMED. The permittee shall survey the replacement monitoring well(s) within 30 days following well installation. NMED shall approve replacement well locations prior to installation and completed in accordance with the attachment titled *New Mexico Environment Department Ground Water Quality Bureau Monitoring Well Construction and Abandonment Guidelines*, Revision 1.1, March 2011. The permittee shall submit construction and lithologic logs, survey data and a groundwater elevation contour map to NMED within 60 days following well completion. Upon completion of the replacement monitoring well, permittee shall properly plug and abandon the monitoring well requiring replacement. The permittee shall complete well plugging, abandonment and documentation of the abandonment procedures in accordance with the attachment titled *New Mexico Environment Department Ground Water Quality*

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	Bureau Monitoring Well Construction and Abandonment Guidelines, Revision 1.1, March 2011, and all applicable local, state, and federal regulations. The permittee shall submit the well abandonment documentation to NMED within 60 days of completion of well plugging activities. [Subsection A of 20.6.2.3107 NMAC]
23.	In the event that groundwater flow information obtained pursuant to this Discharge Permit indicates that a monitoring well is not located hydrologically downgradient of the discharge location it is intended to monitor, the permittee shall install a replacement well within 120 days following notification from NMED. The permittee shall survey the replacement monitoring well within 30 days following well installation. NMED shall approve replacement well locations prior to installation and completed in accordance with the attachment titled *New Mexico Environment Department Ground Water Quality Bureau Monitoring Well Construction and Abandonment Guidelines*, Revision 1.1, March 2011. The permittee shall submit construction and lithologic logs, survey data and a groundwater elevation contour map within 30 days following well completion. [Subsection A of 20.6.2.3107 NMAC]
24.	In the event an inspection finding reveals significant damage likely to affect the structural integrity of a lined impoundment or its ability to contain contaminants, the permittee shall propose the repair or replacement of the impoundment liner by submitting a Corrective Action Plan to NMED for approval. The permittee shall submit the Corrective Action Plan to NMED within 30 days after discovery by the permittee or following notification from NMED that significant liner damage is evident. The Corrective Action Plan shall include a schedule for completion of corrective actions and the permittee shall initiate implementation of the Plan following NMED approval. [Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]
25.	In the event that a minimum of two feet of freeboard cannot be preserved in an impoundment, the permittee shall take actions authorized by this Discharge Permit and all applicable local, state, and federal regulations to restore the required freeboard. In the event that two feet of freeboard cannot be restored within a period of 72 hours following discovery, the permittee shall propose actions to be immediately implemented to restore two feet of freeboard by submitting a short-term Corrective Action Plan to NMED for approval. Examples of short-term corrective actions include pumping and hauling of excess wastewater from the impoundment or reducing the volume of wastewater discharged to the impoundment. The Plan shall include a schedule for completion of corrective actions and the permittee shall submit the Plan within 15 days

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	following the date when the permittee initially discovered the two feet of freeboard limit. The permittee shall initiate implementation of the Plan following approval by NMED. In the event that the short-term corrective actions fail to restore two feet of freeboard, the permittee shall propose permanent corrective actions in a long-term Corrective Action Plan submitted to NMED within 90 days following failure of the short-term Corrective Action Plan. Examples include the installation of an additional storage impoundment, or a significant/permanent reduction in the volume of wastewater discharged to the impoundment. The Plan shall include a schedule for completion of corrective actions and the permittee shall implement the Plan following NMED approval. [Subsection A of 20.6.2.3107 NMAC]
26.	In the event that a release (commonly known as a "spill") occurs that is not authorized under this Discharge Permit, the permittee shall take measures to mitigate damage from the unauthorized discharge and initiate the notifications and corrective actions required in Section 20.6.2.1203 NMAC and summarized below. Within 24 hours following discovery of the unauthorized discharge, the permittee shall verbally notify NMED and provide the following information. a) The name, address, and telephone number of the person or persons in charge of the facility, as well as of the owner and/or operator of the facility. b) The name and address of the facility. c) The date, time, location, and duration of the unauthorized discharge. d) The source and cause of unauthorized discharge. e) A description of the unauthorized discharge, including its estimated chemical composition. f) The estimated volume of the unauthorized discharge. g) Any actions taken to mitigate immediate damage from the unauthorized discharge. Within one week following discovery of the unauthorized discharge, the permittee shall submit written notification to NMED with the information listed above and any pertinent updates. Within 15 days following discovery of the unauthorized discharge, the permittee shall submit a corrective action report/plan to NMED describing any corrective actions taken and/or to be taken relative to the unauthorized discharge that includes the following information. a) A description of proposed actions to mitigate damage from the unauthorized discharge. b) A description of proposed actions to prevent future unauthorized discharges of this nature. c) A schedule for completion of proposed actions.

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	In the event that the unauthorized discharge causes or may with reasonable probability cause water pollution in excess of the standards and requirements of Section 20.6.2.4103 NMAC, and the water pollution will not be abated within 180 days after notice is required to be given pursuant to Paragraph (1) of Subsection A of 20.6.2.1203 NMAC, the permittee may be required to abate water pollution pursuant to Sections 20.6.2.4000 through 20.6.2.4115 NMAC. Nothing in this condition shall be construed as relieving the permittee of the obligation to comply with all requirements of Section 20.6.2.1203 NMAC. [20.6.2.1203 NMAC]
27.	In the event that NMED or the permittee identifies any failures of the discharge plan or this Discharge Permit not specifically noted herein, NMED may require the permittee to submit a Corrective Action Plan and a schedule for completion of corrective actions to address the failure(s). Additionally, NMED may require a Discharge Permit modification to achieve compliance with 20.6.2 NMAC. [Subsection A of 20.6.2.3107 NMAC, Subsection E of 20.6.2.3109 NMAC]

D. CLOSURE PLAN

#	**Terms and Conditions**
28.	In the event the permittee proposes to permanently close the facility, or a component thereof, the permittee shall perform the following closure measures. Within 60 days of ceasing to discharge to the impoundments, the permittee shall plug the line leading to the impoundment so that a discharge can no longer occur. Within 60 days of ceasing to discharge to the impoundments, the permittee shall evaporate or drain wastewater from the impoundment and any other wastewater system components and dispose of the wastewater in accordance with all local, state, and federal regulations. Within 90 days of ceasing to discharge to the impoundments, the permittee shall submit a sludge removal and disposal plan to NMED for approval. The permittee shall initiate implementation of the plan within 30 days following NMED approval. The sludge removal and disposal plan shall include the following information. a) The estimated volume and dry weight of sludge to be removed and disposed, including measurements and calculations.

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	b) Analytical results for samples of the sludge taken from the impoundment for TKN, NO_3-N, percent total solids, and any other parameters tested (reported in mg/kg, dry weight basis). c) The method of sludge *removal* from the impoundments. d) The method of *disposal* for all of the sludge (and its contents) removed from the impoundments. The method shall comply with all local, state and federal regulations. *Note: A proposal that includes the surface disposal of sludge may be subject to Ground Water Discharge Permitting requirements pursuant to 20.6.2.3104 NMAC that are separate from the requirements of this Discharge Permit.* e) A schedule for completion of sludge removal and disposal not to exceed two years from the date discharge to the impoundments ceased. Within <u>one year</u> following completion of the sludge removal and disposal, the permittee shall complete the following closure measures. a) Remove all lines leading to and from the impoundments, or permanently plug and abandon them in place. b) Remove or demolish any other wastewater system components and re-grade area with suitable fill to blend with surface topography, promote positive drainage and prevent ponding. c) Perforate or remove the impoundment liners. d) Fill the impoundments with suitable fill. e) Re-grade the impoundment site to blend with surface topography, promote positive drainage and prevent ponding. The permittee shall continue groundwater monitoring until the requirements of this condition have been met and groundwater monitoring confirms for a minimum of eight consecutive quarterly groundwater sampling events that the standards of Section 20.6.2.3103 NMAC are not exceeded. If monitoring results show that a groundwater quality standard in Section 20.6.2.3103 NMAC is exceeded in groundwater, the permittee shall implement the contingency plan required by Condition 21 of this Discharge Permit. Following notification from NMED that post-closure monitoring may cease, the permittee shall plug and abandon the monitoring wells in accordance with the attachment titled *New Mexico Environment Department Ground Water Quality Bureau Monitoring Well Construction and Abandonment Guidelines*, Revision 1.1, March 2011. The permittee may submit a written request for termination of the Discharge Permit to NMED when all closure and post-closure requirements have been met and verified with date stamped photographic evidence where possible or NMED conducts a closure inspection.

#	**Terms and Conditions**
	[Subsection A of 20.6.2.3107 NMAC, Subsection D of 20.6.2.4103 NMAC, 40 CFR Part 503]

E. GENERAL TERMS AND CONDITIONS

#	**Terms and Conditions**
29.	RECORD KEEPING - The permittee shall maintain a written record of: • information and data used to complete the application for this Discharge Permit; • any releases (commonly known as "spills") not authorized under this Discharge Permit and reports submitted pursuant to 20.6.2.1203 NMAC; • the operation, maintenance, and repair of all facilities/equipment used to treat, store or dispose of wastewater; • facility record drawings (plans and specifications) showing the actual construction of the facility and bear the seal and signature of a licensed New Mexico professional engineer; • copies of monitoring reports completed and/or submitted to NMED pursuant to this Discharge Permit; • copies of inspection reports completed and/or submitted to NMED pursuant to this Discharge Permit; • records of inspections, disposal, repairs and any other documents required by this Discharge Permit • the volume of wastewater or other wastes discharged pursuant to this Discharge Permit; • groundwater quality and wastewater quality data collected pursuant to this Discharge Permit; • copies of construction records (well log) for all groundwater monitoring wells required to be sampled pursuant to this Discharge Permit; • the maintenance, repair, replacement or calibration of any monitoring equipment or flow measurement devices required by this Discharge Permit; and • data and information related to field measurements, sampling, and analysis conducted pursuant to this Discharge Permit, including: o the dates, location and times of sampling or field measurements; o the name and job title of the individuals who performed each sample collection or field measurement; o the sample analysis date of each sample o the name and address of the laboratory, and the name of the signatory authority for the laboratory analysis; o the analytical technique or method used to analyze each sample or collect each field measurement; o the results of each analysis or field measurement, including raw data; o the results of any split, spiked, duplicate or repeat sample; and

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	○ a copy of the laboratory analysis chain-of-custody as well as a description of the quality assurance and quality control procedures used. The permittee shall maintain the written record at a location accessible during a facility inspection by NMED for a period of at least five years from the date of application, report, collection or measurement and shall make the record available to the department upon request. [Subsections A and D of 20.6.2.3107 NMAC]
30.	INSPECTION and ENTRY – The permittee shall allow inspection by NMED of the facility and its operations that are subject to this Discharge Permit and the WQCC regulations. NMED may upon presentation of proper credentials, enter at reasonable times upon or through any premises in which a water contaminant source is located or in which are located any records required to be maintained by regulations of the federal government or the WQCC. The permittee shall allow NMED to have access to and reproduce for its use any copy of the records, and to perform assessments, sampling or monitoring during an inspection for the purpose of evaluating compliance with this Discharge Permit and the WQCC regulations. Nothing in this Discharge Permit shall be construed as limiting in any way the inspection and entry authority of NMED under the WQA, the WQCC Regulations, or any other local, state or federal regulations. [Subsection D of 20.6.2.3107 NMAC, NMSA 1978, §§ 74-6-9.B and 74-6-9.E]
31.	DUTY to PROVIDE INFORMATION - The permittee shall, upon NMED's request, allow for NMED's inspection/duplication of records required by this Discharge Permit and/or furnish to NMED copies of such records. [Subsection D of 20.6.2.3107 NMAC]
32.	MODIFICATIONS and/or AMENDMENTS – In the event the permittee proposes a change to the facility or the facility's discharge that would result in a change in the volume discharged; the location of the discharge; or in the amount or character of water contaminants received, treated or discharged by the facility, the permittee shall notify NMED prior to implementing such changes. The permittee shall obtain approval (which may require modification of this Discharge Permit) by NMED prior to implementing such changes. [Subsection C of 20.6.2.3107 NMAC, Subsections E and G of 20.6.2.3109 NMAC]

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33.	PLANS and SPECIFICATIONS – In the event the permittee proposes to construct a wastewater system or change a process unit of an existing system such that the quantity or quality of the discharge will change substantially from that authorized by this Discharge Permit, the permittee shall submit construction plans and specifications to NMED for approval of the proposed system or process unit prior to the commencement of construction. In the event the permittee implements changes to the wastewater system authorized by this Discharge Permit that result in only a minor effect on the character of the discharge, the permittee shall report such changes (including the submission of record drawings, where applicable) as of January 1 and June 30 of each year to NMED. [Subsections A and C of 20.6.2.1202 NMAC, NMSA 1978, §§ 61-23-1 through 61-23-32]
34.	CIVIL PENALTIES - Any violation of the requirements and conditions of this Discharge Permit, including any failure to allow NMED staff to enter and inspect records or facilities, or any refusal or failure to provide NMED with records or information, may subject the permittee to a civil enforcement action. Pursuant to WQA 74-6-10(A) and (B), such action may include a compliance order requiring compliance immediately or in a specified time, assessing a civil penalty, modifying or terminating the Discharge Permit, or any combination of the foregoing; or an action in district court seeking injunctive relief, civil penalties, or both. Pursuant to WQA 74-6-10(C) and 74-6-10.1, civil penalties of up to $15,000 per day of noncompliance may be assessed for each violation of the WQA 74-6-5, the WQCC Regulations, or this Discharge Permit, and civil penalties of up to $10,000 per day of noncompliance may be assessed for each violation of any other provision of the WQA, or any regulation, standard, or order adopted pursuant to such other provision. In any action to enforce this Discharge Permit, the permittee waives any objection to the admissibility as evidence of any data generated pursuant to this Discharge Permit. [20.6.2.1220 NMAC, NMSA 1978, §§ 74-6-10 and 74-6-10.1]
35.	CRIMINAL PENALTIES – No person shall: • make any false material statement, representation, certification or omission of material fact in an application, record, report, plan or other document filed, submitted or required to be maintained under the WQA; • falsify, tamper with or render inaccurate any monitoring device, method or record required to be maintained under the WQA; or • fail to monitor, sample or report as required by a permit issued pursuant to a state or federal law or regulation. Any person who knowingly violates or knowingly causes or allows another person to violate the requirements of this condition is guilty of a fourth degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15. Any person who is convicted of a second or subsequent violation of the requirements of this condition is

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	guilty of a third degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15. Any person who knowingly violates the requirements of this condition or knowingly causes another person to violate the requirements of this condition and thereby causes a substantial adverse environmental impact is guilty of a third degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15. Any person who knowingly violates the requirements of this condition and knows at the time of the violation that he is creating a substantial danger of death or serious bodily injury to any other person is guilty of a second degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15. [20.6.2.1220 NMAC, NMSA 1978, §§ 74-6-10.2.A through 74-6-10.2.F]
36.	COMPLIANCE with OTHER LAWS - Nothing in this Discharge Permit shall be construed in any way as relieving the permittee of the obligation to comply with any other applicable federal, state, and/or local laws, regulations, zoning requirements, nuisance ordinances, permits or orders. [NMSA 1978, § 74-6-5.L]
37.	RIGHT to APPEAL - The permittee may file a petition for review before the WQCC on this Discharge Permit. Such petition shall be in writing to the WQCC within thirty days of the receipt of postal notice of this Discharge Permit and shall include a statement of the issues to be raised and the relief sought. Unless a timely petition for review is made, the decision of NMED shall be final and not subject to judicial review. [20.6.2.3112 NMAC, NMSA 1978, § 74-6-5.O]
38.	TRANSFER of DISCHARGE PERMIT - Prior to the transfer of any ownership, control, or possession of this facility or any portion thereof, the permittee shall: • notify the proposed transferee in writing of the existence of this Discharge Permit; • include a copy of this Discharge Permit with the notice; and • deliver or send by certified mail to NMED a copy of the notification and proof that the proposed transferee received the notification. Until both ownership and possession of the facility is transferred to the transferee, the permittee shall continue to be responsible for any discharge from the facility. [20.6.2.3111 NMAC]
39.	PERMIT FEES - Payment of permit fees is due at the time of Discharge Permit approval. Permit fees shall be paid in a single payment or shall be paid in equal installments on a yearly basis over the term of the Discharge Permit. Single payments shall be remitted to NMED no later than 30 days after the Discharge Permit effective date. Initial installment payments shall be remitted to NMED no later than 30 days after the Discharge Permit

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	effective date; subsequent installment payments shall be remitted to NMED no later than the anniversary of the Discharge Permit effective date. Permit fees are associated with issuance of this Discharge Permit. Nothing in this Discharge Permit shall be construed as relieving the permittee of the obligation to pay all permit fees assessed by NMED. A permittee that ceases discharging or does not commence discharging from the facility during the term of the Discharge Permit shall pay all permit fees assessed by NMED. An approved Discharge Permit shall be suspended or terminated if the facility fails to remit an installment payment by its due date. [Subsection F of 20.6.2.3114 NMAC, NMSA 1978, § 74-6-5.K]